

## **ATTACHMENT 3**

### **NATIONAL HISTORIC PRESERVATION ACT PROCEDURES**

Prior to the expenditure of Federal funds to alter any structure or site, the Applicant must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA), consistent with the U.S. Department of Energy's (DOE's) 2009 letter of delegation of authority regarding the NHPA. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. In order to fulfill the requirements of Section 106, the Applicant must contact the State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to coordinate the Section 106 review outlined in 36 Code of Federal Regulations (C.F.R.) Part 800.

Section 110(k) of the NHPA applies to DOE-funded activities. The Applicant must avoid taking any action that results in an adverse effect to historic properties pending compliance with Section 106.

To initiate the consultation process with SHPO or THPO, Applicants must submit a letter of request to the SHPO that includes certain minimum information about the proposed project. The letter should be addressed to:

M. Wayne Donaldson, FAIA  
State Historic Preservation Officer  
P.O. Box 942896  
Sacramento, CA 94296-0001

The consultation request must include the following:

A request to formally initiate consultation under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations;

A description of the project, including the work to be performed, whether there are any ground disturbances, and whether new structures will be constructed;

A description of the buildings, structures, or properties that may be affected by the proposed project and an evaluation as to whether these buildings, structures, or properties are eligible for preservation under the NHPA as a historic resource and listed or eligible to be listed in the National Register of Historic Places administered by the National Park Service;

A determination of effect of project's impact on buildings, structures, or properties listed or eligible for listing in the National Register of Historic Places; and

Copies of maps, color photographs, plans, etc. to support the request.

Attachment 4, which was obtained from the Office of Historic Preservation, provides additional information on the minimum information required by the SHPO to initiate the Section 106 consultation. Additional information on the NHPA and the SHPO responsibilities is available from the web site of the Office of Historic Preservation at <http://ohp.parks.ca.gov/>.

If the SHPO concludes that the project will have no adverse effects on any historic resources it will issue the Applicant a written response to this effect. Copies of the Applicant's letter of request to the SHPO and SHPO's written response must then be forwarded to the Energy Commission for its subsequent submission to DOE.